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March 7, 2022

VIA ECF

Honorable Loretta A. Preska
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007-1312

Re: *Giuffre v. Dershowitz*, Case No.: 19-cv-03377-LAP
Reply re: S.D. Fla. Order

Your Honor:

We submit three brief points concerning the Netflix documents and the submissions made in connection therewith.

First, the transcript of the March 3, 2022 hearing in *Dershowitz v. Netflix* (Exhibit A to ECF No. 427) makes clear that the Court did not sanction Prof. Dershowitz for violating any order.

Second, Judge Torres issued his order solely because he was under the mistaken impression that the Netflix Nonparties had not yet had an adequate opportunity to be heard by Your Honor, which is not true.

Third, there is no merit to any suggestion that Plaintiff's deposition, now finally scheduled for March 31 and April 1, 2022 in Washington, D.C., should be postponed. Plaintiff's latest effort to delay having to testify under oath is meritless for the simple reason that we do not have the Netflix documents either and will not have them unless and until Plaintiff also has them. Indeed, to the extent the documents apparently include an unedited interview of Plaintiff, she and her counsel are the ones with current knowledge in advance of the deposition about what she said, not us.¹ There is no reason whatsoever to delay Plaintiff's deposition.

Respectfully submitted,

/s/ Christian G. Kiely
Christian G. Kiely

cc: All counsel of record, via ECF
Benjamin Brodsky, Esq.
Sean Burstyn, Esq.

¹ Although the documents are in the possession of Prof. Dershowitz's counsel in the *Netflix* action, they have not yet been provided to or shown to Prof. Dershowitz himself or to his counsel in this action.